

# HOUSE . . . . . No. 1635

By Mr. Nyman of Hanover, petition of Robert J. Nyman and others relative to services for Alzheimer's disease patients. Public Health.

## The Commonwealth of Massachusetts

### PETITION OF:

Robert J. Nyman	Barbara A. L'Italien
Stephen A. Tobin	James R. Miceli
Edward G. Connolly	

In the Year Two Thousand and Five.

### AN ACT RELATIVE TO SERVICES FOR MEMORY IMPAIRED ASSISTED LIVING RESIDENTS.

1     *Whereas*, The deferred operation of this act would tend to  
2     defeat its purpose, which is to protect the safety of memory  
3     impaired residents of assisted living facilities, therefore it is  
4     hereby declared to be an emergency law, necessary for the im-  
5     mediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     Section 1. Chapter 19D of the General Laws, as appearing in  
2     the 2002 Official Edition, is hereby amended by inserting after  
3     section 10 the following section:—

4     Section 10A. The department shall promulgate rules and regu-  
5     lations for the benefit of memory impaired residents of assisted  
6     living residence. These regulations shall include the following:

7         (a) Between the hours of 7am and 7pm, the assisted living resi-  
8     dence shall maintain a 5 to 1 staffing ratio. Said staffing per-  
9     sonnel shall include nurses, certified nursing assistants, home  
10    health aides, a social worker and an activities manager.

11       (b) All employees who are involved with direct care including  
12    the program director, nurses, program assistants, activity staff  
13    members, occupational, physical and expressive art therapists,

14 dieticians, and social workers shall successfully complete a 12  
15 hour training program on the care of individuals with memory  
16 impairment and Alzheimer's disease or related disorders. This  
17 curriculum shall cover the following areas: general knowledge of  
18 Alzheimer's disease; what happens in the brain; stages of  
19 Alzheimer's disease; what are some of the related disorders; diag-  
20 nosis; the physical environment and behavior; communication  
21 skills; providing assistance with the activities of daily living with  
22 the memory impaired; therapeutic activities for the memory  
23 impaired; behavioral management of memory impaired residents;  
24 working with the families of the memory impaired; providing  
25 information to elders and memory impaired elders how to care for  
26 the themselves; and dealing with decline and death. There shall  
27 be 1 hour of ongoing training per month on approaches to current  
28 care challenges. The regulations shall also include a 2- hour  
29 training program on the nature of the disease and communication  
30 skills, especially redirection and refocusing. All other staff,  
31 kitchen, maintenance and grounds crew, laundry, administrative  
32 assistants and housekeeping shall complete training to assist in  
33 preventing and wandering outside of the facility. All management  
34 staff, administrator, wellness coordinator, program director, and  
35 nutritional services coordinator shall complete a 2- hour training  
36 on planning for the challenges of each stage of Alzheimer's dis-  
37 ease and related disorders and communication methods.

38 (c) There shall be at least 2 hours of planned and scheduled  
39 activities appropriate for the memory impaired for every resident  
40 with memory impairment. These activities shall be administered  
41 by staff who should be trained both in Alzheimer's care and activ-  
42 ities planning and direction.

43 (d) It is the responsibility of the assisted living facility to pro-  
44 vide for the safety of all its residents. Procedures must be imple-  
45 mented by the provider to prevent all its residents, including those  
46 with memory impairment, from wandering outside the facility and  
47 getting lost and injured. Measures to prevent resident to resident  
48 or staff to resident violence or inappropriate sexual behavior  
49 should be in place and those safeguards should be recorded in the  
50 service plan. The service plan should then be reviewed weekly by  
51 staff and adjusted as needed. All cases of violence or inappro-  
52 priate sexual behavior should be reported to families and to the

53 authorities in a timely manner. Providers should develop proce-  
54 dures to address the dangers of self medicating. Providers should  
55 also develop procedures to safely handle evacuation of the facility  
56 in the event of fire.

57 (e) Assisted living facilities shall disclose the type of resident it  
58 will accept and the level of care it will provide in all its advertise-  
59 ments, written materials, oral representation with potential resi-  
60 dents and their families and responsible parties. No facility shall  
61 request a family member and guardian to hire a private duty care-  
62 giver as a condition of acceptance or retention of a memory  
63 impaired resident. The facility shall disclose a commitment to  
64 provide reasonable accommodations to all its residents, including  
65 those who are cognitively impaired or memory impaired. Family  
66 members and guardians shall not be required to waive any of their  
67 rights to bring suit against the facility, its owners or managers.